PS 8B
(04/05)

June 20, 2008

FILED
JUN 24 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY Cr DEPUTY

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Request for Modifying the Conditions of Pretrial Release

Name of Defendant: Ernest Guerrero-Rivera **Dkt No.:** 08CR2034IEG-002

Reg. No.: 08735-298

Name of Judicial Officer: The Honorable Irma E. Gonzalez, U.S. District Judge

Date Conditions Were Ordered: June 6, 2008

Conditions of Release: restrict travel to the Southern District of California; do not enter Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C.§ 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Forms; and Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending.

Date Released on Bond: June 19, 2008

Charged Offense: 8 USC § 3124 (Alien Smuggling)

Next Court Hearing: Motion Setting on June 23, 2008, at 9:30 a.m.

AUSA: Michelle Pettit **Defense Counsel:** Scott Pactor (Appointed)

Prior Violation History: None.

PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

PRAYING THE COURT WILL ORDER THE DEFENDANT TO SUBMIT TO TESTING AND/OR TREATMENT FOR DRUG ABUSE AS DIRECTED BY THE ASSIGNED PRETRIAL SERVICES OFFICER.

CAUSE

During the defendant's post release intake interview, he explained he has been sober for the past four (4) months. Prior to that, he was using Crystal Methamphetamine monthly for a few years. He states he has never undergone any type of drug treatment and will not have a problem staying sober, however, Pretrial Services would like to monitor his compliance. Also, our office would like to be able to provide treatment services if the need arises. The defendant stated he was not opposed to drug testing.

The undersigned has contacted the defendant's attorney, Scott Pactor, who indicated he opposes adding drug testing and/or treatment as a condition of the defendant's release. The AUSA, Michelle Pettit, was also contacted, however, as of this writing, a return telephone call has not been received.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 23, 2008

Respectfully submitted:

by

Diana Kouhi
United States Pretrial Services Officer
(619) 557-5938

Reviewed and approved:

Jeff Larsen
Supervising U.S. Pretrial Services Officer

Attachments

THE COURT ORDERS:

X The modification of the Conditions of Release to include: Submit to testing and/or treatment as specified by the assigned Pretrial Services Officer.

_____ OTHER ____

____

____

Irma E. Gonzalez
The Honorable Irma E. Gonzalez
U.S. District Judge

6/23/08
Date

[redacted]